

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

IN RE: :
RASNIC, TERESA M. : Case No. 10-37806
: Chapter 7
Debtor. : Judge Guy R. Humphrey

**NOTICE OF TRUSTEE'S PROPOSED SALE/DISPOSITION OF TANGIBLE
PERSONAL PROPERTY TO DEBTOR AND OPPORTUNITY TO OBJECT**

As set forth below, the Trustee proposes to sell and or dispose to the Debtor certain tangible personal property.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to grant the Trustee's proposed action, or if you want the Court to consider your views on the Trustee's proposed action, then on or before Twenty One (21) days from the Date of Issuance set forth below, you or your attorney must file a written response in accordance with the Court's local rules and filing procedures.

The Clerk of Court's address is: U.S. Bankruptcy Court Clerks Office, 120 W. Third Street, Dayton, OH 45402.

Copies of the Court's Administrative Procedures for electronic court filings can be found at the following website: <http://www.ohsb.uscourts.gov>

You must file the response early enough so the Court will **receive** it on or before the date stated above.

You must also either electronically serve John Paul Rieser through the court's ECF System or mail a copy to John Paul Rieser at the following address: John Paul Rieser
7925 Graceland Street
Dayton, OH 45459-3834

If you or your attorney do not take these steps, the Trustee will take the proposed action without further notice and report the details thereof on the Final Report in this case.

10/11/2011

/s/ John Paul Rieser

Date of Issuance

John Paul Rieser, Esq.

NOTICE OF PROPOSED SALE /DISPOSITION

Now comes John Paul Rieser, the duly appointed and acting Chapter 7 Trustee in the above captioned case and hereby gives notice pursuant to 11 U.S.C. §§ 363, 554, and 725 that a disposition of tangible personal property will be made to the Debtor in exchange for non-exempt equity, as determined by the Trustee and agreed to by the Debtor.

The property at issue is a 2005 Nissan Quest Minivan (“Vehicle”) scheduled by the Debtor. The Debtor scheduled the value of the Vehicle as \$8,100.00. The Trustee determined the value of the Vehicle to be \$8,362.50 based on the average of the NADA rough trade in value (\$6,125.00) and the NADA clean retail value (\$10,600.00). From this value, the Trustee deducted (1) Debtor’s exemptions pursuant to O.R.C. § 2329.66 (A)(2) and (18) in the amount of \$4,600.00; (2) the average cost of sale amount of \$262.50¹. The non-exempt equity owed to creditors for the Vehicle is \$3,500.00 and the Debtor has paid this amount to the Trustee. The Trustee believes that disposing of the Vehicle by permitting the Debtor to “buy out” the non-exempt equity herein will produce a net certain recovery to creditors equal to or greater than that which would be obtained from selling the Vehicle at auction or by alternative disposition methods, which have greater transaction costs, take longer, and have no certainty as to result.

WHEREFORE, the Trustee now notices creditors and all parties of interest that unless an objection to this Notice is timely filed and served, the Trustee will finalize this proposed disposition as permitted by the Bankruptcy Code, Rules and Local Bankruptcy Rules.

¹ This condition adjustment is based on Trustee’s experience in selling vehicles at auctions in the current market environment.

Respectfully yours,

/s/ John Paul Rieser

John Paul Rieser, Trustee

Rieser & Associates LLC

7925 Graceland Street

Dayton, OH 45459-3834

Phone: (937) 224-4128, Fax: (937) 224-3090

E-mail: tecfdesk@rieserlaw.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **NOTICE OF TRUSTEE'S PROPOSED SALE/DISPOSITION OF TANGIBLE PERSONAL PROPERTY TO DEBTOR AND OPPORTUNITY TO OBJECT** was served this 11th day of October, 2011, on the parties in interest listed on the attached matrix. All parties listed on the attached matrix were served by regular U.S. mail, postage prepaid, with the following exceptions:

- (1) The Trustee is not serving the United States Bankruptcy Court by regular mail because the United States Bankruptcy Court will receive electronic notice of this filing.
- (2) A creditor who is listed by name only, with no mailing address, is not being served with this document. The Trustee is not serving a copy to creditors who have no mailing address listed on the matrix because it is obvious that the Post Office cannot and will not deliver mail without an address, and it would be a waste of estate resources to attempt such delivery. The Trustee will provide a copy of this document or pleading to such creditors upon request from the creditors not receiving service.
- (3) The following parties are not being served by regular mail because they will receive notice of this filing by the court's electronic ECF system:

Asst US Trustee (Day) USTPRegion09.CB.ECF@usdoj.gov

Darlene E Fierle dfierle@ihtlaw.com

/s/ John Paul Rieser

John Paul Rieser [lrs/740]

Label Matrix for local noticing
0648-3
Case 3:10-bk-37806
Southern District of Ohio
Dayton
Sun Oct 9 10:50:27 EDT 2011

Asst US Trustee (Day)
Office of the US Trustee
170 North High Street
Suite 200
Columbus, OH 43215-2417

Citibank Sd, Na
Attn: Centralized Bankruptcy
Po Box 20507
Kansas City, MO 64195-0507

Gary Kurtz
726 Grand Wood Court
Springboro, OH 45066-8467

Ncb Ne Er
4661 E Main St
Columbus, OH 43213-3298

Pnc Bank
Attn: Bankruptcy
2730 Liberty Ave
Pittsburgh, PA 15222-4747

Darlene E Fierle
140 North Main Street
Suite A
Springboro, OH 45066-1356

United States Bankruptcy Court
120 West Third Street
Dayton, OH 45402-1872

Brian C. Block
Javitch, Block & Rathbone
1100 Superior Avenue, 19th Floor
Cleveland, OH 44114-2521

Discover Bank
Discover Products Inc
PO Box 3025
New Albany OH 430543025

Kohls
Attn: Recovery Dept
Po Box 3120
Milwaukee, WI 53201-3120

PNC BANK
PO BOX 94982
CLEVELAND, OH 44101-4982

(p)WELLS FARGO BANK NA
WELLS FARGO HOME MORTGAGE AMERICA S SERVICING CO
ATTN BANKRUPTCY DEPT
MAC X7801-014
3476 STATEVIEW BLVD
FORT MILL SC 29715-7203

John Paul Rieser
7925 Graceland Street
Dayton, OH 45459-3834

American InfoSource LP as agent for WFNNB
as assignee of
Value City Furniture
PO Box 248872
Oklahoma City OK 731248872

Chase Bank USA, N.A.
c/o Creditors Bankruptcy Service
P O Box 740933
Dallas, Tx 75374-0933

Discover Fin
Po Box 6103
Carol Stream, IL 60197-6103

National City Card Ser
K-a16-2j
Kalamazoo, MI 49009

PYOD LLC its successors and assigns as assignee
Citibank, NA
c/o Resurgent Capital Services
PO Box 19008
Greenville, SC 29602-9008

Wfnnb/value City Furn
Attn: Bankruptcy
Po Box 182686
Columbus, OH 43218-2686

Teresa M Rasnic
195 Eleanor Drive
Springboro, OH 45066-1313

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Wells Fargo Hm Mortgag
8480 Stagecoach Cir
Frederick, MD 21701

End of Label Matrix
Mailable recipients 20
Bypassed recipients 0
Total 20